

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicants have amended independent claims 75 and 109, the amendments being fully supported in the as-filed specification. Both claims 75 and 109 now only recite "a hop containing beverage," the phrase "or a foodstuff" having been deleted.

Claim 76 has been canceled without prejudice or disclaimer.

Claims 82 – 85, inclusive, have been amended so that they now depend from claim 75.

Claim 84 has been amended to insert "two hydroxyhydrocarbyl residues" after "at least".

In view of the foregoing amendments to the claims, the rejection under 35 USC § 112, second paragraph, has been overcome and should, accordingly, be withdrawn.

In his Office Action, the Examiner has indicated that claims 76, 78, 95-97 and 110-119 are allowable. The presently pending claims are 75, 77-97, 109 and 110.

Claim 75, 77, 82-83, 85-92 and 109 have been rejected under 35 USC 103(a) as being unpatentable over Bastin et al (US 2002/0119939). This rejection is traversed.

Independent claim 75 has been amended and now incorporates the limitations of canceled claim 76 which would also be allowable. In addition, dependent claims 77, 82-83, 85-92 and 109 should also be allowable.

Independent claim 109 has also been amended to limit the claim to "hop containing beverages". Thus, in the same manner that independent claims 75 and 110 are restricted to "hop containing beverages", so, too is claim 109.

At page 5 of the Office Action, the Examiner states, in conclusion, the following:

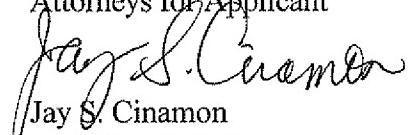
"While Bastin et al. disclose adding 2,5-deoxyfructosazine to an aqueous oral solution, i.e. beverage, Bastin et al. provides no motivation for adding an antidiabetic, including 2,5-deoxyfructosazine to a hop containing beverage or beer."

Hence, amended claim 109 is also deemed to be allowable.

It is respectfully submitted that all of the claims presently pending before the Examiner are in condition for allowance and a Notice to that effect is respectfully solicited.

Please charge any additional fee(s) and credit any overpayments to deposit account No. 01-0035.

Respectfully submitted,
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